

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

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In the Matter of the Inquiry of

██████████ in the capacity of
a Supervisory Official of the Department of Social Services

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STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2017-16R
February 21, 2017

NOTICE: THIS IS AN ADVISORY OPINION RECONSIDERATION REQUEST

Summary: The Requestor, a Department of Social Services Supervisor, has submitted a request for reconsideration to advisory opinion 2017-16 to the Suffolk County Board of Ethics as part of their approval process in determining their employee's outside employment request. Under the additional facts presented to the Board, the Board reaffirms the underlying advisory opinion of 2017-16.

Procedural History: This Advisory Opinion Standing vote occurred on 12/6/17, with fact finding concluding on 12/15/17. On 12/20/17, the Board determined by majority vote that there is a conflict of interest under the facts presented. A modification request was submitted by the requesting supervisory official and the Board voted on 2/7/2018 to reaffirm their original advisory opinion.

Opinion and Modification Facts: Upon presentation of new facts¹ including the duties of the specified unit that the employee is assigned, the Board reaffirms this Requestor's original advisory opinion. The Board has previously opined that it is the County department, not the specific unit or division, which is the basis for a conflicts review.

"§ 77-1 Definitions

AGENCY SERVED BY A PUBLIC OFFICIAL

A. In the case of a County employee, *the agency employing such employee*" (emphasis added).

Accordingly, in the Board's previous Advisory Opinion 2016-22, the Board similarly opined under this provision of law that, "the County agency is DSS. As the County Code defines the agency served by a County employee as the *agency* employing such employee, the department or sub-department that an employee is assigned to execute their job duties, is irrelevant". As such, the Board maintains that the sub-department and/or specified unit is not a fact that creates an affirmative defense in a conflicts of interest review.

CONCLUSION

Accordingly, the Board finds that pursuant to the Suffolk County Code, the requested future conduct, as described herein, is reaffirmed as an impermissible conflict.

The forgoing is the modified opinion of the Board.

Dated: Great River, New York

February 21, 2018

Suffolk County Board of Ethics
Eric A. Kopp - Chairman

¹ Requestor's submission of additional facts and Executive Director fact finding interviews